



THE COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

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June 1, 2006

Ernest Sarason
Managing Assistant Attorney General
Trial Division
One Ashburton Place
Boston MA 02108

RE: D.T.E. 05-95: Referral to Attorney General Pursuant to M.G.L. c. 159, § 39

Dear Attorney Sarason:

Enclosed is an Order issued by the Department of Telecommunications and Energy on May 23, 2006, in the matter of Investigation by the Department of Telecommunications and Energy on its own motion, pursuant to G.L. c. 159, §§ 12, 32, and 39, and G.L. c. 166, §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2003 and/or 2004, D.T.E. 05-95.

In this docket, the Department investigated 15 telecommunications companies registered to do business in the Commonwealth for failure to file annual returns for the years 2003 and/or 2004 as required by G.L. c. 159, §§ 12, 32, and G.L. c. 166, § 11. If a telecommunications company fails to file its annual return as required, it must pay a statutory forfeiture to the Commonwealth. G.L. c. 166, § 12.

As a result of the investigation, the Department found that all of the 15 companies have failed to file annual returns and owe a continuing daily forfeiture, as well as an additional \$500 forfeiture based on an unreasonable failure to file. See G.L. c. 159, §§ 12, 32, 39; G.L. c. 166, §§ 11, 12. Therefore, the Department hereby refers these findings to the Attorney General for action to collect the annual returns and fines pursuant to G.L. c. 159, § 39. Please contact Michael Isenberg, Director of the Telecommunications Division, at 617-305-3500 if you have any questions regarding this referral. Thank you.

Sincerely,

/s/

Andrew O. Kaplan
General Counsel

Enclosure